

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Timothy K. Ueland,

Plaintiff,

Civil 08-5101 (RHK/AJB)

vs.

ORDER

Joan Fabian, Commissioner,

Defendant.

Based upon the Report and Recommendation by United States Magistrate Judge Arthur J. Boylan dated February 5, 2009, with all the files and records, and no objections having been filed to said Recommendation, **IT IS ORDERED:**

1. That the Report and Recommendation (Doc. No. 15) is **ADOPTED**;
2. The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. No. 1) is **DISMISSED WITH PREJUDICE**.

Dated: March 3, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge